

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHEVRON CORPORATION,

Plaintiff,

-against-

11 Civ. 0691 (LAK)

STEVEN DONZIGER, et al.,

Defendants.
-----X

**SUPPLEMENT TO SPECIAL MASTERS' REPORT AND RECOMMENDATION
DATED DECEMBER 8, 2017**

In Your Honor's Order dated November 9, 2017 (ECF No. 1939), the Court directed the Special Masters to file, by December 8, a report and recommendation for allocation of their fees among plaintiff Chevron Corp. and the defendants in the event that the Court chooses not to award 100% of the costs against defendants, and, to include with that report, the bills for its preparation and submission. On December 8, the Special Masters filed the requested Report and Recommendation (ECF No. 1942). On December 7, the Special Masters, by letter to the Court, asked that the date to file their bills be adjourned to January 12, for the reasons stated in that letter. On December 8, the Court entered an Order (ECF No. 1943), granting the Special Masters' request for an adjournment. This supplement and its appended bills are filed pursuant to the latter Order.

We understand the term "bills" in the Court's order of November 9 to mean bills to Chevron under the terms of the Court's Order, dated July 10, 2013 (ECF No. 1293), as the Court has not entered any order allocating our fees otherwise. Accordingly, the bills appended hereto

are invoices that are to be issued to Chevron. In the preparation of these invoices, the Special Masters consulted closely with one another and also with Justin Ormand, who attended every deposition, participated in virtually every communication, and was otherwise indispensable to our work in 2013 and in November-December 2017. As a result of our consultations, we have substantially reduced our recorded time charges (1) (as suggested in our letter of December 7) to reflect, and to try to make them proportionate to, the specialized, limited nature of the current assignment, which, at bottom, asks the Special Masters for our best collective judgment on allocation of our fees based on our experience supervising discovery for a discrete period in 2013; (2) to minimize, as much as possible, time charges for re-familiarizing ourselves with the record and other inefficiencies (e.g., searching out portions of the record or citations thereto) resulting from the long passage of time (over four years) since the events at issue; (3) to take into account our need to confer collectively about the Report and its recommendation; and (4) to take account of inefficiencies arising from Mr. Ormand's move in 2014 from Cleary Gottlieb Steen & Hamilton LLP to Allen & Overy LLP.¹

Appended hereto are:

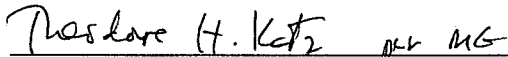
- a. The bill for Special Master Theodore H. Katz in the amount of \$4,550 (6.5 hours @ \$700/hr.) between November 14 (the date of our first conference call for this current assignment) and December 8 (when the Report was filed) for consultations on allocation, review and editing of drafts of the Report, and, as appropriate, identifying and reviewing portions of the record.
- b. The bill for Special Master Max Gitter in the amount of \$10,500 (15 hours @ \$700/hr.) between November 14 and December 8 for consultations on allocation, drafting and editing the Report, reviewing an associate's legal research, and, as appropriate, identifying and reviewing portions of the record.
- c. The bill for Justin Ormand, in the amount of \$9,450 (15 hours @ \$630/hr.) between November 14 and December 8 for consultations on allocation, assisting in drafting

¹ In all of these circumstances, Cleary Gottlieb has advised us that it is waiving billing for the limited legal research time of one of its associates, research that was requested by the Special Masters, and other support mentioned in the Special Masters' letter dated December 7, 2017, at 1 n.1 (ECF No. 1943).

and editing the Report, and, as appropriate, identifying and reviewing portions of the record.

In sum, the total fees for the work on the Report are \$24,500.

Respectfully submitted,



Theodore H. Katz, Special Master



Max Gitter, Special Master

Dated: January 12, 2018
New York, New York